

DOCKET NO.
0400162

STATE OF TENNESSEE
TENNESSEE REGULATORY AUTHORITY

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In the Matter Of:

Petition by Skyline Telephone Membership
Corporation for Limited Modification of the
Requirement to Provide Number Portability

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**REQUEST FOR EXPEDITED APPROVAL
OF 90 DAY EXTENSION OF TIME TO
IMPLEMENT WIRELINE-TO-WIRELESS
LOCAL NUMBER PORTABILITY**

Skyline Telephone Membership Corporation ("Skyline"), pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. §251(f)(2), hereby petitions the Tennessee Regulatory Authority ("Authority") for a 90 day extension of the time in which it is required to implement wireline-to-wireless local number portability ("LNP") in its Shady Valley exchange (NPA-NXX 423-739) pursuant to the November 10, 2003 *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* of the Federal Communications Authority ("FCC") in CC Docket No. 95-116 ("FCC Order"). By this Request, Skyline does not seek any substantive ruling by the Authority on wireline-to-wireless LNP. Instead, Skyline seeks only a 90-day extension of the date upon which it is otherwise required to provide porting of wireline numbers to wireless carriers in the Shady Valley exchange. The purpose of the extension requested herein is purely to permit Skyline to address economic, network and other technical issues raised by the FCC Order relating to wireline-to-wireless LNP, which, as a practical matter, cannot be resolved in time to implement wireline-to-wireless LNP by the FCC's May 24, 2004 deadline. In support of this Request, Skyline respectfully shows unto the Authority as follows:

1. Skyline Telephone Membership Corporation is an incumbent local exchange company that provides local exchange and exchange access services within the States of Tennessee and North Carolina.

2 Skyline serves primarily rural areas and does not serve two percent or more of the Nation's total number of subscriber lines.

3 Under the Act, Skyline is entitled to seek suspension and/or modification from this Authority of its respective obligations and duties under Section 251(b) and (c) of the Act, including the obligation to provide LNP, in appropriate circumstances.

4. Section 251(f) of the Act provides as follows:

2) Suspensions and modifications for rural carriers

A local exchange carrier with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide may petition a State Authority for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c) of this section to telephone exchange service facilities specified in such petition. The State Authority shall grant such petition to the extent that, and for such duration as, the State Authority determines that such suspension or modification –

(A) is necessary –

- (i) to avoid a significant adverse economic impact on users of telecommunications services generally,
 - (ii) to avoid imposing a requirement that is unduly economically burdensome; or
 - (iii) to avoid imposing a requirement that is technically infeasible; and
- (B) is consistent with the public interest, convenience, and necessity.

The State Authority shall act upon any petition filed under this paragraph within 180 days after receiving such petition. Pending such action, the State Authority may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.

5 Since the issuance of the FCC Order, Skyline, which previously has not been required to port numbers to other carriers as a result of its small size, has been engaged in the evaluation of what will be required, as a technical matter, to provide wireline-to-wireless LNP. That evaluation has led to the conclusion that Skyline can implement the appropriate technology

to port wireline numbers to wireless carriers in 11 of Skyline's 12 exchanges by the FCC's May 24, 2004 deadline. However, Skyline has also concluded that the porting of wireline numbers to wireless carriers in its Shady Valley exchange (NPA-NXX 423-739) will be problematic because of the following economic, network, and/or functionality issues:

A. Hardware and Software Upgrades. The Shady Valley exchange is currently not 55 compliant. Skyline is in the process of spending over \$90,000.00 to purchase 55 and LNP hardware and software upgrades for the Shady Valley exchange. These upgrades are not yet complete.

B. Ensuring Adequate Data-Link Capacity Skyline is developing additional data-link capacity at the cost of over \$1,000.00 per month, to ensure adequate connections with wireless carriers for the porting of numbers

6. It is not reasonably possible for Skyline to have all of the necessary functionality in place to provide wireline-to-wireless LNP in its Shady Valley exchange by May 24, 2004. Therefore, the provision of wireline-to-wireless porting within the timeframe required by the FCC Order for Skyline is not economically or technically feasible

7. In this situation, the Authority has clear statutory authority under Section 251(f) to suspend or modify the FCC's wireline-to-wireless LNP requirements for 90 days to allow a reasonable amount of time for Skyline to address the economic, technical, and network issues related to the FCC's wireline-to-wireless LNP requirements for the Shady Valley exchange, and Skyline respectfully requests that the Authority exercise this authority.

8. Skyline submits that such an extension is in the public interest because (a) it will protect Skyline from complaint proceedings based upon legal requirements imposed by the FCC that are in direct and irreconcilable conflict with the practical and technical reality associated with providing wireline-to-wireless LNP, and (b) it will protect consumers from harm that will result from the premature attempted implementation of wireline-to-wireless LNP. Skyline further submits that the 90-day extension requested herein will not materially prejudice or harm either

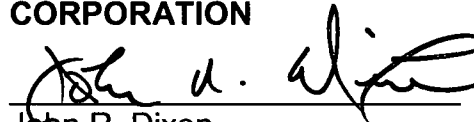
the public or any wireless carrier seeking LNP because such an extension is practically necessary and of only minimal duration

9. For the foregoing reasons, Skyline respectfully submits that it is entitled to a 90-day extension of the FCC's wireline-to-wireless LNP requirements in its Shady Valley exchange in order to permit Skyline to address and resolve the economic, technical, and network issues associated with providing such porting flexibility.

WHEREFORE, Skyline Telephone Membership Corporation respectfully requests that this Authority issue an order extending by 90 days the date by which it is required to implement wireline-to-wireless local number portability in its Shady Valley exchange pursuant to the FCC Order

Respectfully submitted, this the 21 day of May, 2004.

**SKYLINE TELEPHONE MEMBERSHIP
CORPORATION**

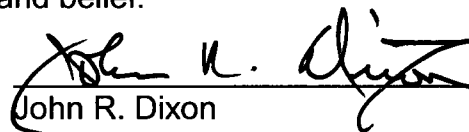
A handwritten signature in black ink, appearing to read "John R. Dixon", is written over a horizontal line.

John R. Dixon
Chief Executive Officer
West Jefferson Corporate Office
1200 NC Highway, 194 North
West Jefferson, NC 28694
(336) 877-8123


STATE OF NORTH CAROLINA
VERIFICATION

COUNTY OF WATAUGA

John R. Dixon, being duly sworn, deposes and says that he is the Chief Executive Officer of the Skyline Telephone Membership Corporation, that as such, he has read the foregoing Petition and knows the contents thereof, and that the same are true to the best of his knowledge, information, and belief.


John R. Dixon

Sworn to and subscribed before me,
this the 21st day of May, 2004.


Notary Public
My Commission Expires: 4-16-2006

